

Residential Facility Monitoring (RFM) Manual

**Program Monitoring and Interventions
Texas Education Agency**

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Investigatory Topic	Commensurate School Day
Sampling	<p>For this investigatory topic, the sample will be focused on students receiving a shortened instructional day. However, folders and programs of students not reported as having a shortened school day also will be reviewed to verify length of school day for the student(s). If patterns of a particular practice or evidence of possible systemic noncompliance emerge, the review team will focus its sampling to verify findings. Within the folders selected, consideration will be given to:</p> <ul style="list-style-type: none"> • the instructional arrangement in which RF students receive services; • the RF in which RF students reside; • the LEA campus on which RF students receive services; • RF students who receive special transportation as a related service; and • RF students who are transported by RF staff.
Data Sources	<p>Data to Review:</p> <ul style="list-style-type: none"> • RF Tracker Data • Student-Level Review Data • Document Review: ARD/IEP documentation; transportation schedules; student schedules; LEA policies, procedures, and guidelines • Interviews: Student, parent/guardian, foster parents, surrogate parents, RF staff, teachers, administrators, diagnostic staff, related service personnel
Further Investigation	<p>As the review of folders is conducted and data are analyzed, the review team may identify possible patterns of practices, trends, and/or indications of individual or systemic noncompliance that may require further investigation to verify the findings. Examples:</p> <ul style="list-style-type: none"> • Most / all RF students educated at the site of the facility are provided a shortened school day; • Most / all RF students educated at an LEA campus are provided a shortened school day; • Most / all RF students who receive special transportation as a related service are provided a shortened school day; or • Interviews with parents, students, LEA staff, or RF staff responses indicate concerns with the length of the school day.
Review Strategies	<p>As the review proceeds, the review team may determine a need to gather additional data by conducting specific, individual interviews to verify findings. Additionally, the review team may determine that a review of LEA data in the form of transportation logs or additional classroom/student observations is necessary to verify findings on this item.</p>

Investigatory Topic: Commensurate School Day

Requirement	Investigatory Questions	Investigatory Considerations
<p>19 TAC §89.1075. General Program Requirements and Local District Procedures. (excerpt)</p> <p>(d) Students with disabilities shall have available an instructional day commensurate with that of students without disabilities. The ARD committee shall determine the appropriate instructional setting and length of day for each student, and these shall be specified in the student's IEP.</p>	<p>VIII. Is there evidence that students with disabilities have available an instructional day commensurate with that of students without disabilities or that a shortened school day is justified based on individualized student need?</p> <p>A. A commensurate school day is evidenced if the student with a disability has the same instructional day as that provided to students without disabilities on the student's home campus.</p> <ol style="list-style-type: none"> 1. Evidence that ARD/IEP schedule of services page indicates an instructional day equal in length to the instructional day of nondisabled peers; and 2. Evidence that campus/school/class schedule reflects a commensurate school day; and 3. Evidence that transportation schedule as written and implemented allows for a commensurate school day; and 4. Evidence through on-site observations and/or interviews with school staff, RF staff, and/or parents that a commensurate school day is provided. <p>If student has a commensurate school day, the review is complete and compliance is identified.</p> <p>If student does not receive a commensurate school day, review item VIII.B.</p> <p>B. If a commensurate school day is not evidenced, is there an individualized, student-based justification for the shortened school day?</p> <ol style="list-style-type: none"> 1. Evidence of court documentation ordering a shortened day; or 2. Evidence of ARD/IEP documentation verifying a medically-relevant justification for a shortened school day. <p>If the IEP does not document the justification for shortening the student's instructional day, noncompliance is identified.</p>	<p>Commensurate school day is evidenced if the RF student has the same instructional day as that provided to his or her nondisabled peers who attend a traditional regular campus within the LEA. For an RF student with a disability who is educated at the RF site or at a special education campus within the LEA, a commensurate school day is evidenced if the student has the same instructional day as that provided to his or her nondisabled peers who attend a traditional regular education campus within the LEA.</p> <p>The review team will verify that the schedule of services as documented in the most current IEP matches the actual services provided at the campus. Additionally, the review team will verify the transportation schedule(s) for RF students.</p> <p>If the review team is made aware that an RF student or a group of RF students' instructional day is shortened due to transportation or other administrative issues, the review team will corroborate this through interviews/observations. If this is substantiated, noncompliance has been identified.</p> <p>The review team will analyze justifications for a shortened school day to determine whether the circumstances cited and references used are aligned with individual student needs. If the justification for a shortened school day states only that a given student resides in an RF, noncompliance has been identified. Likewise, if the same justification language is used for shortening the school day of an entire group or subgroup of students, and an externally-mandated reason (for example, a court order of adjudication) cannot be determined by a review team, noncompliance has been identified.</p>

Standard: The student will have a school day commensurate with that of students without disabilities unless there is documented evidence of the inappropriateness of such for an individual student. If noncompliance is identified, determine if systemic noncompliance exists. Systemic noncompliance is identified when 25% or more of the sample is found to be out of compliance or when significant trends are identified in specific student subgroups.